

VZCZCXRO5402
PP RUEHGA RUEHHA RUEHMT RUEHQU RUEHVC
DE RUEHOT #0149 0582007
ZNR UUUUU ZZH
P 272007Z FEB 09
FM AMEMBASSY OTTAWA
TO RUEHC/SECSTATE WASHDC PRIORITY 9120
INFO RUCNCAN/ALL CANADIAN POSTS COLLECTIVE PRIORITY
RUCPDOG/DEPT OF COMMERCE WASHDC PRIORITY

UNCLAS OTTAWA 000149

SIPDIS
SENSITIVE

STATE FOR WHA/CAN AND EEB/TPP/MPA/IPE WATTS AND KEAT
STATE PASS USTR FOR J MELLE, M SULLIVAN, G VETERE, AND S
MCCOY
COMMERCE FOR GERI WORD, EMILY BARRAGAN, AND JENNIFER BOGER

E.O. 12958: N/A
TAGS: [ECON](#) [ETRD](#) [KIPR](#) [CA](#)
SUBJECT: CANADA: EMBASSY OTTAWA 2009 SPECIAL 301
RECOMMENDATION

REF: A. STATE 8410
 [B](#). 08 OTTAWA 71
 [C](#). 08 OTTAWA 311
 [D](#). 08 OTTAWA 377
 [E](#). 08 OTTAWA 586
 [F](#). 08 OTTAWA 637
 [G](#). 08 OTTAWA 787
 [H](#). 08 OTTAWA 794
 [I](#). 08 OTTAWA 945
 [J](#). 08 TORONTO 110
 [K](#). 08 TORONTO 153
 [L](#). 08 TORONTO 191

Sensitive but Unclassified. Not for dissemination outside
the U.S. Government.

[1](#)1. (SBU) Mission Canada continues to be frustrated by
Canada,s failure to implement the World Intellectual
Property Organization (WIPO) internet treaties, to update its
copyright laws, and to make the changes necessary to
effectively search for and seize counterfeit goods at the
border. Despite these concrete shortcomings, Canada has
clearly shown it's willingness to improve the protection of
intellectual property. For the following reasons, Mission
Canada recommends that Canada remain on the Special 301 Watch
List:

- In June 2008, the Government introduced legislation that
would have likely brought Canada,s copyright regime into
compliance with the WIPO internet treaties and addressed key
U.S. concerns. The bill, however, died on the order table
(with all other outstanding legislation) in September 2008
when the Governor General announced new federal elections.
The Conservative Government was reelected and has pledged to
reform Canada,s copyright laws. The Minister of Canadian
Heritage recently testified to Parliament that he expects to
re-introduce the copyright legislation in the fall of 2009.
(Refs D, H, I, J, and L)

- Also in June 2008, Canada amended its Patented Medicines
(Notice of Compliance) Regulations to address a key IPR
concern of research-based pharmaceutical companies. While
the companies still seek a further regulatory fix to prevent
generic firms from producing patented medicines after certain
judicial rulings, the Notice of Compliance regulatory change
was a step in the right direction.

- Canada continues to work alongside the United States to
advance the protection of IPR internationally. Canada has
partnered with us on IPR issues in the World Trade
Organization (WTO), World Health Organization (WHO), Security
and Prosperity Partnership (SPP), the World Intellectual
Property Organization (WIPO)and the Anti-Counterfeiting Trade

Agreement (ACTA). In June 2008, for the second year running, Canada's Royal Canadian Mounted Police jointly hosted (with INTERPOL) the International Law Enforcement IP Crime Conference. (Ref F, G)

- The motion picture industry reports that enforcement of Canada,s 2007 anti-camcording law has been effective, and that Canada is no longer a significant source of camcorded, pirated movies.

- In December 2008, a delegation of Canadian Border Service Agency (CBSA), Public Safety, and Royal Canadian Mounted Police (RCMP) visited the Port of Baltimore and the ICE National IPR Enforcement Center in order to better understand U.S. best practices for IPR enforcement.

¶2. (SBU) Although there has been no legislative change since last year when Mission Canada recommended that Canada be elevated to the Special 301 Priority Watch List, given Canada,s good faith efforts to address IPR protection, Mission Canada recommends that Canada remain on the Special 301 Watch List. (Ref C)

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